

VIRGINIA:

IN THE CIRCUIT COURT OF WISE COUNTY

CAMILIA ROBINETTE, an infant who)
sues by her mother and next friend,)
CINDY ROBINETTE)
Plaintiff,)
v.) Case No. CL14-_____)
WAL-MART STORES, INC.)
Store #650)
Serve: CT Corporation System)
Registered Agent)
4701 Cox Road Ste 301)
Glen Allen, VA 23060-6802)
Defendant.)

COMPLAINT

TO THE HONORABLE JUDGE OF THE AFORESAID COURT:

COMES NOW the Plaintiff, CAMILIA ROBINETTE, an infant who sues by her mother and next friend, CINDY ROBINETTE, by counsel, and moves the Circuit Court of Wise County, Virginia, for judgment against defendant on the grounds and in the amount set forth below:

1. Defendant Wal-Mart Stores, Inc., is a corporation organized under the laws of the State of Delaware having an office and principal place of business at 702 SW 8th Street, Bentonville, AR 72716, and on or about September 5, 2013, was the owner and operator of Wal Mart Store No. 650 located at 1941 Neeley Road, in Big Stone Gap, Wise County, Virginia.



2. As the owner and operator of said store, a place of business to which the general public is invited, defendant, its agents and employees, had a duty to maintain the premises in a reasonably safe condition; to make reasonable inspections to determine whether any latent defects existed; and to warn the public of any such latent defects known to it, its agents and employees.

3. Notwithstanding said duty, defendant, its agents and employees, negligently stocked its display area in the sporting goods department of its retail store and allowed the exercise equipment known as kettlebell weights to be displayed in an unsafe manner, although defendant, its agents and employees, knew, or in the exercise of reasonable care should have known, that said kettlebell weights were stocked and displayed in an unsafe manner.

4. On or about September 5, 2013, plaintiff was a customer in said retail store and was in the process of retrieving a kettlebell weight from the display area of the store where the kettlebell weights were negligently displayed. As a direct and proximate result of defendant's negligence as aforesaid, a kettlebell weight was touched by the kettlebell weight being removed from the display shelf by the plaintiff and suddenly and without warning fell from the shelf where it was displayed, striking the plaintiff on her foot and toe, resulting in serious injuries to the plaintiff.

5. As a direct result of the injuries, plaintiff has been forced to incur substantial medical and hospital bills in an effort to be cured of her injuries; has suffered and continues to suffer severe physical pain and mental anguish; has been permanently disabled; and has been prevented and will in the future be hindered from attending to her business and personal affairs for a long period of time.

WHEREFORE, plaintiff, Camilia Robinette, an infant who sues by her mother and next friend, Cindy Robinette, demands judgment against defendant, Wal-Mart Stores, Inc., in the amount of Three Hundred Thousand Dollars (\$300,000.00), together with interest, her costs expended, and demands a trial by jury of this cause of action.

CAMILIA ROBINETTE, an infant who
sues by her mother and next friend,
CINDY ROBINETTE

BY: C O U N S E L

s/ Carl E. McAfee

Carl E. McAfee, P.C.
1033 Virginia Avenue, N.W.
P.O. Box 656
Norton, VA 24273
Phone: (276) 679-6633
Fax: (276) 679-4648